



THE UNIVERSITY *of* EDINBURGH

Edinburgh Research Explorer

Migration Control and Narratives of Steering

Citation for published version:

Boswell, C 2011, 'Migration Control and Narratives of Steering', *British Journal of Politics and International Relations*, vol. 13, no. 1, pp. 12-25. <https://doi.org/10.1111/j.1467-856X.2010.00436.x>

Digital Object Identifier (DOI):

[10.1111/j.1467-856X.2010.00436.x](https://doi.org/10.1111/j.1467-856X.2010.00436.x)

Link:

[Link to publication record in Edinburgh Research Explorer](#)

Document Version:

Peer reviewed version

Published In:

British Journal of Politics and International Relations

Publisher Rights Statement:

This is the pre-peer reviewed version of the following article: Boswell, C. (2011). Migration Control and Narratives of Steering. *British Journal of Politics and International Relations*, 13(1), 12-25, which has been published in final form at <http://dx.doi.org/10.1111/j.1467-856X.2010.00436.x>

General rights

Copyright for the publications made accessible via the Edinburgh Research Explorer is retained by the author(s) and / or other copyright owners and it is a condition of accessing these publications that users recognise and abide by the legal requirements associated with these rights.

Take down policy

The University of Edinburgh has made every reasonable effort to ensure that Edinburgh Research Explorer content complies with UK legislation. If you believe that the public display of this file breaches copyright please contact openaccess@ed.ac.uk providing details, and we will remove access to the work immediately and investigate your claim.



Migration Control and Narratives of Steering

Christina Boswell

Abstract

The dynamics of migration are incredibly complex, creating immense problems for governments attempting to steer immigration. These types of problems are well elucidated in German sociological literature on societal steering, and especially Luhmann's analysis of the impediments to steering by the political and legal systems. Politics and the law develop highly simplifying models of the dynamics they are seeking to steer, resulting in various problems of distortion and counterproductive effects. We can see examples of such effects in the case of migration control, where attempts to prevent irregular labour or stay have led to numerous unintended effects. However, it is far from evident how such problems of steering can be addressed. A number of cognitive, social and political factors place pressure on policy-makers to adopt highly simplifying models of these processes. In particular, party politics and the mass media call for simple and dramatised narratives of migration control; and bureaucratic organisations require the development of narratives that are easily communicated and justifiable to officials, practitioners and interest groups. The implication is that policy interventions have a structural tendency to 'short circuit' the complexity of the migratory processes they are attempting to steer.

Migration policy makers tend to develop relatively simple and intuitively plausible narratives about the impacts of their policies. Officials need to be able to understand and communicate the logic behind their interventions, and to justify this logic to critics, target groups, or those involved in implementation. This justificatory requirement is even greater in the case of politicians, who need to persuade the public about the appropriateness and effectiveness of policy, usually via the mass media. The pressure to produce simple and compelling narratives is certainly characteristic of policies on migration control, understood as measures adopted to exclude irregular migrations or other unwanted foreign nationals through entry restrictions, border control, detention and deportation. Given the complexity of migration dynamics,

however, the need to develop straightforward stories of cause and effect is bound to result in a high degree of simplification. Indeed, for reasons I shall discuss later, there is likely to be a significant disconnect between policy narratives and the phenomena they seek to depict. This can result in unrealistic expectations about the state's capacity to steer migratory dynamics, with often clumsy policy interventions failing to capture the complexity of the objects they are seeking to influence.¹

This paper will explore the nature and sources of this gap between policy narratives and state capacity to control migration, drawing on literature on societal steering. By steering, I mean attempts by the state or legal system to direct the behaviour of members of a society or the social systems to which they belong. Much of the literature on societal steering is profoundly pessimistic about the possibilities for such forms of guidance. The systems theory of Niklas Luhmann in particular points to the inherent incapacity of politics and the law to steer other social systems, and warns of the potential problems of distortion or counter-productivity that may result from such attempts.

The paper will proceed in two steps. First, I shall introduce the literature on steering, and apply it to the case of migration control. I consider how far the steering problems set out in sociological literature have been encountered in the context of attempts to steer social systems through employer sanctions and through barring illegal immigrants' access to health care. In both cases, one can observe clear examples of the sorts of problems flagged by systems theory.

One typical response to problems of societal steering (including in the area of migration policy) is to call for better social knowledge about the targets of state intervention. In part two of the paper, I consider how far research can help overcome problems of societal steering. While orthodox systems theorists are sceptical about the possibility of solving steering problems through more knowledge, there appears to be some scope for improving interventions through drawing on certain sorts of operational experience or social scientific research.

¹ Arguably, this is one of the reasons for the apparently 'failure' of migration policy – see, for example, Castles 2004.

However, as I argue in the second part of the paper, in practice a range of political and organizational factors militate against developing more ‘accurate’ models of the societal dynamics being steered. Political and media pressure encourages governments to develop more accessible and compelling accounts of the nature and goals of policy interventions. Meanwhile, pressures within administrative agencies may militate towards narratives that gloss over complexity or conflicts and keep members’ expectations manageable. As a result, rather than being oriented towards better understanding of societal processes, the state’s narratives of societal steering are more likely to be oriented to respond to either the requirements of political legitimation, or internal organizational needs.

Moreover, in many cases, these two sets of requirements may conflict, producing two rather different narratives: a populist one developed by the media and party political debate, and a more technocratic narrative emanating from expert knowledge and espoused by the bureaucracy. Populist narratives in particular are likely to simplify and ‘short circuit’ the complexity of social systems. Insofar as policy makers are obliged to adopt such narratives, policy may fail to rectify, or even exacerbate, the problems it is seeking to address.

1. Crisis of Societal Steering?

Theories of Societal Steering

An extensive body of literature since the 1970s has warned of acute problems with attempts by the state and legal system to steer areas of the economy and society (Habermas 1976; Mayntz 1987; Offe 1972; Luhmann 1997; Willke 1984; Teubner 1986). While contributions are diverse, there are some common threads running through the literature, at least in terms of salient features of the problem (if not its origins or proposed remedies). First, scholars have observed a huge expansion in the state’s involvement in regulating different areas of social life. The state is now expected to intervene to regulate not just the economy and welfare provisions, but also multiple and ever-expanding areas of social life, public health and the environment. States are attributed a huge degree of responsibility for addressing

problems in different spheres affecting societal welfare – not just in terms of ensuring adequate material conditions or economic stability, but in regulating all sorts of aspects of social problems, and shielding their populations from what are constructed to be ever-multiplying risks (Beck 1996; Giddens 1994; Luhmann 1991).

Second, it is acknowledged that these social systems have become increasingly complex, rendering traditional control instruments ineffective (Moran 2002). The state continues to rely on “command strategies” of law (Stewart 1988), or traditional forms of regulations backed up by hierarchical enforcement of sanctions (Scott 2002). These instruments are systematically failing to motivate compliance or achieve the desired outcomes. Nonetheless, there is a continued expectation that the state is the appropriate source of steering: the state is still considered to be the only legitimate locus of decisions on questions affecting more than one system, or for aspects of systems which have broad societal implications (Willke 1985: 289).

One account, especially prevalent in political science literature, defines the problem as one of motivating compliance where regulations run “against the grain”. Hierarchical control systems characterised by legal rules and sanctions applied by an agency or court are seen as inappropriate for motivating compliance in non-traditional areas of state control (Scott 2002: 63). This has triggered calls for new forms of “smart” regulation. This can take the form of regulation through economic incentives or competition (Hood et al. 1999); community-based peer pressure, and the social stigmatisation of non-compliance (Ayres and Braithwaite 1992: 25); or designing policies in such a way that non-compliance is prevented. Responsibility for designing and enforcing regulations may meanwhile be outsourced to the market (through the price mechanism, or competition), or to interest groups and other societal groups (so-called “moral suasion”) (Ayres and Braithwaite 1992).

This account is fine as far as it goes. But it is largely silent on the reasons for, and dynamics of, the forces which lead to expanded state involvement in new spheres. This limits its usefulness in addressing problems of rising expectations about state steering. Moreover, it more or less implicitly reduces steering problems to conflicts of interest, which belies the complexity of problems of intervention and steering. It therefore makes sense to turn to sociological contributions on steering problems. A

number of mainly German sociologists have located the problem in a more fundamental incapacity of politics and the law to steer social systems. This is the supposition of both Habermas (as initially set out in *Legitimation Crisis* and then modified and elaborated in *Theory of Communicative Action* – Habermas 1976 and 1985), as well as Luhmannian systems theory (Luhmann 1981, 1986). On Habermas' account, the state becomes involved in steering an expanded range of social spheres in order to compensate for its failure to prevent economic crises. However, such interventions represent an interference with the dynamics of socio-cultural reproduction. The state ends up by imposing criteria of rationality and patterns of organization which undermine norms and practices of the "life world". This is what Habermas refers to as "colonialization" of the life world (Habermas 1981: 542). Colonialization deprives areas of social life of the internal socio-cultural resources that previously served the function of socialising their members. Steering thus precipitates the breakdown of traditional and taken-for-granted resources within society, and is in this sense both normatively undesirable and self-defeating on its own terms.

Systems theorists also see problems with such interventions, but their account diverges in (at least) two important respects. First, they contend that the trend of increasing intervention in social spheres is not a result of crisis in the capitalist system, but rather the inclusivist logic of the welfare state, which establishes a cycle of ever-increasing societal expectations and political guarantees about social protection (Luhmann 1981). Second, rather than conceptualizing the object of intervention as the 'life world', they argue that the problem of steering arises with the attempt to steer functionally differentiated systems. On this account, society is divided into increasingly complex, autonomous and functionally differentiated spheres, such as the economy, legal system, welfare system, education, health, and so on. In order to deal with complexity, each social system develops its own codes for making sense of itself and its environment. These codes are based on communicative selections specific to the system, so that each system becomes self-referential, operating according to its own logic, or system of communication (Luhmann 1997).

Systems are not closed, however, but are more or less preoccupied in reading signals from their environments, including signals from the political system or the legal

system concerning regulation. Where there is continued interaction between two systems – for example attempts by the political system to steer education, or the legal system to regulate the labour market – each system will develop a set of presuppositions that enables it to model the other system (Born and Goldschmidt 1997: 27-8). In the terminology adopted in this special issue (see Introduction), they construct simplifying narratives about the operation of the other system. The regulator observes and models the system that is the object of regulation, developing a series of expectations about the causal linkages between its intervention and the behaviour of the system. Thus, for example, the legal system develops models of the social world (Teubner 1982: 297), a set of theories about criminal behaviour and the impact of sanctions. In this sense, the legal system remains “cognitively open” (Luhmann 1986: 113): it processes information from its environment about societal behaviour, and is able to adapt itself accordingly. The system that is the object of regulation in turn develops a set of beliefs about its environment, and the meaning and implications of the attempt at regulation. Insofar as both systems model one another, one can speak of a “structural coupling” between systems.

However, this does not imply a close fit between the intentions of regulation and outcomes, for at least three reasons. First, structural coupling by no means guarantees “correct” interpretation of the regulatory signals within the recipient system. This problem of communication emanates from both regulating and regulated system. The systems of politics and especially law are both likely to operate according to a set of highly simplifying assumptions about the operation of cause and effect within the targeted system. They will tend to assume a form of linear causality, which belies the complexity of operations within the system (Teubner 1982: 298). Where the system is highly complex, the set of linkages influencing behaviour can be opaque and counterintuitive (Willke 1985: 282). As Luhmann writes, “residual improbability and hence overstrain comes about by using conditional programmes for the attainment of ends which are not within the reach of immediate causal operations” (Luhmann 1986: 123). The translation of regulations is equally problematic from the point of view of the regulated system, which can only interpret the regulation in the communicative codes available within its system. It can only patchily grasp the purposive logic of the regulation from the point of view of the other system, and even more patchily transpose the requirements into the language of its own operations.

Second, even where the recipient system's reading of the signal approximates fairly closely to the intent, this does not imply a will to comply with the system's interpretation of the regulation. Where a regulation runs counter to the system's established mode of operating, it is likely to adopt a strategy of non-compliance as far as possible. The regulation thus turns out to be largely irrelevant for the system, failing to effect a change in behaviour (Teubner 1986: 311). The regulation may then be performing a merely symbolic function, reassuring politics or public opinion that something is being done (Brunsson 2002; Edelman 1999).

Third, insofar as the regulation does secure its intended effects, this will frequently produce new, unforeseen impacts. Where a system does feel compelled to respect the letter of the regulation, this may lead to a number of distorting effects that can be damaging to the system being regulated. We can define these unexpected outcomes as either distorting effects, i.e. negative repercussions (or what economists term externalities) in other parts of the system; or counterproductive effects, i.e. distortions which undermine the very purpose of the intervention (see also Mayntz 1987). Distorting effects may trigger additional regulation in new areas of the system (e.g. raising corporate taxes may lead to an increase in bankruptcy, prompting new legislation to support struggling firms). However, if such negative effects are not picked up by politics or the media, they may leave the responsible political or legal system unscathed, and the intervention may be treated as a success. Thus the original narrative is interpreted as accurate, and continues to inform policy. Counterproductive effects are more difficult to disguise, as they defeat the very purpose of the intervention (for example, imposing rules about healthy school dinners, which leads to more children opting out of the provision and eating fast-food lunches instead). Such effects may generate a redoubling of existing efforts, based on the same simplifying narrative, which similarly fail to achieve the intended effect, since they too "short-circuit" the complexity of the system - though they may at least temporarily detract from the problem, by demonstrating the political or legal system is taking action (Murphy 2006: 56).

Forrester puts the problem well, when he writes that "social systems are inherently insensitive to most policy changes that people select in an effort to alter the behaviour

of a system... all of them seem to have a few sensitive influence points through which the behaviour of the system can be changed. These influence points are not in the locations where most people expect” (Forrester 1968: 205).

The Case of Migration Control

How does this relate to societal steering in the area of migration control? Interventions aimed at controlling migration can be aimed either at steering the behaviour of individuals migrants, or at preventing or limiting their incorporation into social systems. The first type of intervention would include conditional legal programmes that sanction an immigrant’s infringement of rules: detention or deportation for irregular entry, stay or employment. In systems theoretic language, this would imply the steering of individual psychic systems, through the threat of sanctions for particular types of behaviour. As in all such attempts, there are major limits to attempts of the political or legal systems to direct behaviour. As Luhmann puts it, people “cannot be steered causally and technically by means of law and money”, or at least not in a direct sense.

This is all the more problematic with attempts to steer behaviour on choices which affect livelihoods in such a profound sense. The issue of which country one will live in (entry and stay), and the possibility of making a living there (employment), are unlikely to be influenced in a reliable way by using the type of sanctions typically applied to other areas of individual behaviour. One need only think of the extreme risks people are willing to take in entering wealthy receiving countries, or the degree of force that enforcement agencies frequently apply to implement deportations. Steering behaviour on such crucial matters seems to require an inordinate level of resources, and forms of coercion that are highly contestable from a civil rights perspective (see Carling and Hernández-Carretero in this issue). The problems of distortion and counterproductivity generated by such attempts are well known: a rise in dangerous and exploitative practices of migrant smuggling and trafficking to evade controls; or the development of informal networks to support irregular immigrants. State attempts to redouble control efforts are equally familiar: expanded use of detention, dawn raids, reinforced border controls, all requiring huge resources, raising problems of civil liberties, and producing their own new distortions.

The alternative, more typical, option is to target the social systems on which migrants are dependent for crucial aspects of welfare, or which help them to implement their travel and stay plans. Thus regulations have typically targeted the labour market (employer sanctions), and the welfare and various social systems (education, health, housing), or the systems transporting them (carrier sanctions). In some cases the attempt simply involves denial of an entitlement (to education, full health treatment, welfare), in others it involves imposing a penalty on the system for including or granting access (employers, airlines and truck companies, in Germany even schools and doctors). These systems generally operate according to far more inclusive principles vis-à-vis immigrants than the political system (Bommes and Geddes 2001; Bommes 2007). Their criteria of inclusion and exclusion are not based on the legal status of individuals, but rather on their relevance for the system – be this their employability (labour market), willingness to pay for services (transport, accommodation), need of treatment (health), education or social support (social Services). This discrepancy triggers the sorts of problems of societal steering outlined above. Let us briefly consider the problem in relation to two spheres: access to the labour market, and to health care.

Taking the labour market first, attempts to control irregular employment have typically taken the form of employer sanctions. Policy follows the typical model of intervention as described by Teubner: “the goal determines the program, the program determines the norm, the norm determines changes of behaviour, those changes determine the desired effects” (Teubner 1986: 312). In terms of regulating employers, one can conceptualise this as follows. The political system adopts the goal of reducing irregular employment. Based on its understanding of the economy, it assumes that employers’ behaviour in employing undocumented migrants will be influenced by increasing the costs of so doing (whether in terms of financial or prison penalties). It instructs the legal system to codify and enforce a set of penalties for employers who infringe rules on employment. The expected result is a decrease in irregular employment, and thus irregular immigration.

But the form of intervention already creates problems for the legal system. First, it raises the question of how to deal with the problem of inadvertent employment of

migrants without a permit. Regulations and courts have had a difficult time determining how far employers should be liable for failing to detect forged documents, especially given the sophistication of many forging techniques and the wide availability of counterfeited documents. Second is the issue of the resources required to ensure effective implementation. In order to provide an effective deterrent, enforcement agencies need to ensure there is a high enough chance of being detected and successfully prosecuted, and that penalties are sufficiently severe. This will require substantial resources for spot checks, court hearings, and so on.

For the firms involved, such regulations are even more problematic. Employer sanctions may well be perceived by the regulated system as a constraint on productivity and growth, especially where foreign workers are considered to be more attractive as employees, or where there is a shortage of domestic labour. One frequently hears of cases of explicit exploitation of illegal workers, but there are clearly numerous cases where such arrangements are entered into autonomously and seen as mutually beneficial (most of us know someone who has employed a handyman or cleaning person on an irregular basis – if we haven't done so ourselves). Both employers and labour may see the regulations as unreasonable, and, aware of relatively lax enforcement, will try to circumvent regulation. Similarly, there is evidence that in many cases courts are reluctant to prosecute business, lacking the capacity to ascertain responsibility, or showing themselves to be sympathetic towards the (usually small) firms that are affected. Where low enforcement rates become the object of political and media attention, the political system is likely to step up efforts to enforce sanctions. As in the UK case, this will typically involve more of the same: raising penalties, and increasing spot checks.

Such attempts at steering have also been known to produce a number of distortions. Where such measures are implemented, uncertainty about the status of potential employees may motivate discriminatory practices. If in doubt about the validity of documents, an employer may prefer to employ someone more “obviously” British/German, etc. Another possibility is that smaller firms may go bankrupt, or that the intervention may lead to more substantial restructuring of the sector (not necessarily a negative externality).

These sorts of problems are not limited to interventions in the economic system. Parallel problems emerge where the political and legal systems have endeavoured to regulate inclusion of illegal immigrants into the health system. The public health system, like other social services in modern welfare states, operates according to an inclusive logic (Luhmann, 1981; Bommers, 2000). Its principle criterion of inclusion distinguishes between those who are sick and in need of treatment, who are relevant to the system; and those who are not in need of treatment, who are excluded from the system. Any attempts by the political system to impose other criteria of selection are experienced as an irritation, running against the grain of the function of the health system.

The UK National Health System is a prime example of a highly inclusive system, in which residents have a right to free access to almost all primary and secondary health care facilities, and generally need only give an address in order to register with a General Practitioner (GP) or access hospital services. Since Summer 2006 there have been discussions about a possible ban on access for illegal migrants for all but emergency health care. GPs and primary care trusts have protested that plans are unworkable. These services do not typically request identification or proof of address, and appear reluctant to start doing so, not seeing it as part of their remit. Even if such checks are made at the point of registration to a practice, GPs have been sceptical about the practicalities of removing asylum applicants from the National Health Service register once their claims or appeals have been rejected. More generally, the idea of excluding people in need of care is anathema to health professionals.²

As in the case of employer sanctions, one can also point to potential distortions produced by this type of regulation. The exclusion from early treatment is predicted to increase pressure on emergency services and require more expensive treatment further down the line. In this sense it is far from clear if it is either cost effective, or an aid to the planning of health care.

Given these problems, it may well be the case that such a measure would remain largely symbolic, designed to allay public and media criticism about illegal

² Interestingly, we are now seeing similar problems with the recent request by the Border Agency that universities check on the residence status of their foreign students.

immigrants placing a burden on the welfare state. In the event of introducing legislation to this effect, the state may tolerate persistent infringement of the regulation by the health system, at least until opposition parties or the media observe failed implementation and create renewed pressure to enforce the rules.

In both of these cases – that of employer sanctions and barring access to health services – one can observe clear problems of system steering. They point to a fundamental limitation of state interventions to restrict the incorporation of illegal migrants. And they illustrate well the general points about system steering theorised by Luhmann et al. Arguably, the problem is made all the more acute by an added discrepancy: the basic tension between the inclusionary logic of social and economic systems, on the one hand, and the continued exclusionary logic of the political system (Bommes 2007). This inclusive tendency of social systems facilitates continued illegal immigration, which in turn increases pressure on the political system to ratchet up its interventions aimed at controlling the phenomena (Boswell 2008a). But there is every reason to believe that these social systems are quite adept at bypassing such attempts; and, where they fail to do so, that political and legal interventions simply create new problems and distortions in the targeted system.

2. The Politics of Social Knowledge

One typical response to the perceived inadequacies of steering is to call for more information and research on the targeted systems. On this account, the problem of steering is explained in terms of a failure of politics or the legal system to grasp the complex dynamics within different systems. The narratives of societal steering developed by administrative agencies or legal regulators are too simplistic. Indeed, this perception appears to be behind the impetus towards increasing funding of research and inhouse research capacity on migration issues (Boswell 2009).

There have been various suggestions proffered by scholars of societal steering about what sort of knowledge would be appropriate for understanding the complexity of regulated systems. On one account, in order to cope with this complexity, social research should focus on detailed case studies of particular systems and regulatory

impacts within these (Mayntz 1987). This implies deviating from traditional nomological approaches to scientific enquiry, which attempt to derive generalizable claims about causal processes. Such abstract models fail to capture the complex configuration of operations in any particular system, implying the need for more qualitative, inductive research. We can see the application of something akin to this approach in the emphasis on “good practice” in various policy documents and knowledge transfer events. It implies taking (albeit often rather superficial) examinations of case studies as a basis for understanding the dynamics of societal steering, which may then be tentatively applied to an extended range of cases.

Systems theory is more sceptical about the potential for knowledge to help overcome problems of societal steering. Luhmann himself argued that the problem of inter-system communication was not reducible to the issue of complexity. No matter how in-depth the research, it is simply not possible to understand the internal dynamics of a system without using the communicative codes operating within that system. Neither would such an understanding solve the problem of steering social systems with the “wrong” media (i.e. law or money) (Luhmann 1997). Teubner, however, is less pessimistic. He suggests that while systems may only be able to observe one another as “black boxes”, there is nonetheless scope for modelling another system’s behaviour through more systematic observation of the system’s outputs, and how these are related to inputs. In other words, the focus should be on areas of interlinkage between systems (Teubner 1984).

Whether or not one accepts this notion, there is a further set of barriers to knowledge production and utilization which should make us sceptical about the prospects for accumulating better knowledge. I would like to illustrate the problem by taking the case of knowledge utilization in the UK Home Office, and specifically the research commissioned or carried out by its research service, the Immigration Research and Statistics service (IRS). Since it was established in 2001, IRS research has spanned three areas: the economic and social impacts of migration; asylum-seeking and the asylum system; and refugee integration. Very little research has been commissioned on illegal migration. Of 28 studies commissioned or internally produced and published over this period (2001-2007), only two studies directly dealt with irregular migration: one on “sizing the illegally resident population” (RDS 2003b) and a survey

of illegal residents in detention (RDS 2005). A third study provided a literature review on trafficking for labour exploitation (RDS 2007). Other than that, there have been some studies of indirect relevance, notably on the social networks and decision-making of asylum seekers, and the impact of asylum (RDS 2002a, 2002b, 2003a). The only study approaching any sort of analysis of social systems was on “Employers’ use of labour migration” (RDS 2006).

To be sure, the Home Office (or its relevant department, the Border Agency) does draw on other sources of knowledge about its target population. It is especially reliant on its own operational wing as a key source of information on the behavioural patterns of the immigrants and asylum seekers whom it seeks to control, as well as the impacts of its own policies. It is also continuously exposed to information from other departments and the voluntary sector. Nonetheless, on first sight it does seem quite astonishing how limited attempts are to analyse the dynamics of illegal migrants and their interaction with social systems.

This may become less surprising if we consider the political and organizational context of migration control. Regarding the political context, I would like to offer two observations. First, in areas of policy which have become highly politicized and are the object of intensive media scrutiny, governments are likely to resort to rhetoric and symbolic decisions in order to meet public approval (Brunsson 2002, Edelman 1999). In most areas of regulation, policies take effect only in the medium to long term (i.e. beyond electoral terms), and their impact may be diffuse and difficult to measure. Governments under pressure to “deliver” will tend to prioritise higher profile, often symbolic measures. This would explain the apparent attraction of introducing measures such as employer sanctions or a ban on health access, in the absence of resources to enforce such regulations, or in the knowledge that these provisions are simply unenforceable.

Where such symbolic approaches prevail, one would expect knowledge utilisation to follow a similar logic, i.e. perform a symbolic, legitimising function rather than being oriented towards adjusting outcomes. In other words, organizations may be keen to underpin the credibility of their policy choices through drawing on research findings, or attempt to legitimize their agency through demonstrating a sound knowledge base.

Knowledge utilisation becomes more a question of signalling the legitimacy of policies or policy-makers, rather than a resource to help inform the substance of policies. It is valued for its symbolic, rather than instrumental, function (Boswell 2008, 2009).

The second point is that the administration is usually well aware of problems of enforcement. In this respect, the accumulation of social knowledge may simply draw attention to the state's deficiencies in controlling irregular migration. This point is nicely illustrated by the controversy over the lack of Home Office data on irregular migration in May 2006. When questioned by a parliamentary committee about the number of irregular migrants in the UK, the Head of Removals within BIA's predecessor, the Immigration and Nationalities Directorate (IND), David Roberts, admitted that IND "didn't have the faintest idea". The admission was instantly picked up on by the mass media, and the HO was lambasted for its incompetence. But as one former HO official related,

Most people in IND said, good on you Dave, you told it as it is, of course we haven't the faintest idea, why are they asking this question? Don't they know, we only know what we know. We know what we control. By definition, we don't know who we don't control (Interview, May 2007)

The anecdote suggests how very far off the IND is from a Foucauldian style agency, intent on maximizing intelligence to enhance its control. Instead, the organization is quite pragmatic about the problems of control, and would rather this particular stone was left unturned. It considers organizational legitimacy would be better served through keeping such issues vague, or "foggy" (Bommes and Sciortino 2008), rather than gathering more knowledge (contrast Bigo's account of security agencies – Bigo 2005).

Turning now to the organizational context of migration control, again, there are strong factors militating against a "rationalist", output oriented use of social knowledge. Neo-institutionalist organization theory provides excellent insight into how this type of fogginess may be the best way of managing conflict and uncertainty within organizations. On these accounts, organisations are not oriented exclusively towards supposedly "rational" goals, such as realising their mandates or expanding their power. Instead, they are preoccupied with a number of socio-psychological tasks:

stabilising social relations through establishing organizational routines, rituals and roles, and reducing uncertainty through developing a shared cognitive map, or organizational narrative, of the organisation and its environment. These various practices and beliefs frequently diverge from what might be understood as efficient structures and procedures. But they are crucial to organizational reproduction, in terms of motivating members and providing conditions for decision-making in conditions of extreme complexity.

For organizations faced with acute conflicts and patently unrealisable goals, such as the Home Office, the most effective organizational narrative may involve a substantial degree of “fogginess”. The organization is quite conscious of the conflict between public expectations and professed organizational targets, on the one hand, and what it is able to deliver on the other. In order to cope with this discrepancy, it is useful to develop a self-perception of being a largely reactive organization, hit by successive crises (Boswell 2007). As David Blunkett described his experiences in running the HO:

The Home Office was reactive, an absorber of punishment. All home secretaries whom I have ever seen interviewed talked about things coming out of the blue sky and hitting them (cited in Pollard 2005: 258).

The implication is that an organization such as the HO may prefer to disguise the limitations of its control capacity through symbolic regulation and only half-hearted enforcement. Of course, this is another way of conceptualising the famous “gap hypothesis” (Cornelius et al. 1992). But I would suggest that it is one that provides a richer understanding of this discrepancy: this is not simply a conflict of interests (politics versus the economy, or states versus markets) that the state has “decided” to resolve in favour of the economy. Rather, it reflects a crisis of societal steering, which the state attempts to obscure through symbolic policies and patterns of knowledge utilization oriented towards political and internal priorities, rather than more effective steering.

3. Implications for Narratives of Migration Control

As I hope to have shown, the problems of societal steering in the area of migration control are immense. Such interventions are targeted at highly complex and self-referential systems. Moreover, these systems operate according to principles of inclusion that tend to incorporate illegal immigrants, creating ample opportunity for irregular migrants to access those systems that are most crucial for their welfare. State attempts to regulate these processes tend to draw on simplified narratives of the causal processes within the targeted systems.

Under these conditions, what stories are states likely to tell themselves and their publics about migration control? Their narratives of societal steering are unlikely to be tailored exclusively, or even predominantly, towards producing optimal outcomes in terms of migration control. Rather, they are likely to be developed with two other ends in mind: satisfying societal expectations about the state's willingness and capacity to control migration; and satisfying internal organizational requirements. Indeed, it may be useful to think about three main drivers of such narratives of migration control:

- 1- *Output-driven narratives*, which attempt to model social dynamics in the most accurate way possible, in order to maximise the chance of successful interventions. Such narratives are likely, where possible, to draw on expert knowledge on the dynamics of illegal migration and social systems.
- 2- *Political narratives*, which are designed to meet societal/politically mobilised expectations about appropriate action in relation to migration control. Such narratives seek to meet political targets through more symbolic means, often obscuring the discrepancy between professed goals and state capacity.
- 3- *Organizational narratives*, which seek to mobilise support and underpin the decision-making capacity of members of organizations involved in policy-making. These narratives involve rationalizing and making sense of organizational conflicts or short-comings in delivering professed targets.

Each of the three types of driver is likely to produce different types of narratives. Output-driven narratives are likely to be more technocratic, setting store by the

validity of knowledge being produced – whether this is validated through drawing on the experience or expertise of practitioners, or more traditional forms of scientific research. Political narratives will tend to be more colourful and dramatised, increasing their chances of being covered by the mass media and thus resonating with the public. They will often be polarised along government/opposition lines, pointing to the failure or success of the incumbent's approach. Finally, organisational narratives will need to be simple enough to be marshalled and communicated by officials, and also compelling enough to mobilise support from the policy community and those involved in implementation.

All three types of narratives may, in their different ways, “short-circuit” the complexity of the social systems they are seeking to regulate. In particular, political narratives may well adopt highly simplistic, dramatised accounts of migration and the impact of policy on these dynamics, often favouring restrictive and punitive approaches. But they are also the sorts of narrative most likely to prevail in highly political areas of regulation attempting to steer complex systems, such as that of migration control.

References

- Ayres, Ian and John Braithwaite. 1992. *Responsive Regulation: Transcending the Deregulation Debate*. New York and Oxford: Oxford University Press.
- Beck, Ulrich. 1996. *Risk Society: Towards a New Modernity*. London: Sage.
- Bigo, Didier. 2005. "Frontier Controls in the European Union: Who Is In Control?" Pp. 49-99 in *Controlling Frontiers: Free Movement Into and Within Europe*, edited by D. B. a. E. Guild. Aldershot: Ashgate.
- Bommes, Michael. 2007. "Illegale Migration in der modernen Gesellschaft – Resultat und Problem der Migrationspolitik europäischer Nationalstaaten."
- Bommes, Michael and Andrew Geddes. 2000. "Introduction: Immigration and the Welfare State" Pp. 1-12 in *Immigration and Welfare: Challenging the Borders of the Welfare State*, edited by A. Geddes and M. Bommes. London: Routledge.
- Bommes, Michael and Guiseppe Sciortino. 2008. *Foggy Social Structures: Irregular Migration and Informal Economy in Western Europe*. Amsterdam: Amsterdam University Press.
- Born, Asmund W. and Lars B. Goldschmidt. 1997. "Legal Regulation and Communicative Couplings." *Law and Policy* 19:23-48.
- Boswell, Christina. 2007. "Theorizing Migration Policy: Is There A Third Way?" *International Migration Review* 41:75-96.

- . 2008a. "The Elusive Rights of an Invisible Population." *Ethics and International Affairs* 22:187-192.
- . 2008b. "The Political Functions of Expert Knowledge: Knowledge and Legitimation in European Union Immigration Policy." *Journal of European Public Policy*.
- . 2009. *The Political Uses of Expert Knowledge: Immigration Policy and Social Research* (Cambridge: Cambridge University Press, 2009).
- Brunsson, Nils. 2002. *The Organization of Hypocrisy: Talk, Decisions and Actions in Organizations*. Copenhagen: Abstrakt and Liber.
- Castles, Stephen. 2004. "The Factors that Make and Unmake Migration Policies" *International Migration Review* 38:852-84.
- Cornelius, W.A., P. L. Martin, and J. F. Hollifield. 1992. "Introduction: The Ambivalent Quest for Immigration Control" Pp. 3-41 in *Controlling Immigration: A Global Perspective*, edited by W. A. Cornelius, P. L. Martin, and J. F. Hollifield. Stanford, CA: Stanford University Press.
- Edelman, Murray. 1999. *The Politics of Misinformation*: Cambridge University Press.
- Forrester. 1968. "Planning under the Dynamic Influences of Complex Social Systems." Pp. 237-54 in *Perspectives of Planning*, edited by E. Jantsch. Paris: OECD.
- Giddens, Anthony. 1994. *Beyond Left and Right: The Future of Radical Politics*. Cambridge: Polity.
- Habermas, Juergen. 1976. *Legitimation Crisis*. Translated by T. McCarthy. London: Heinemann Educational Books.
- . 1985. *The Theory of Communicative Action*. Translated by T. McCarthy. Cambridge: Polity.
- Hood, C., C. Scott, O. James and T. Travers. 1999. *Regulation Inside Government: Waste-Watchers, Quality Police and Sleaze-Busters*. New York and Oxford: Oxford University Press.
- Luhmann, Niklas. 1981. *Political Theory in the Welfare State*. Translated by J. B. Jr. Berlin: Walter de Gruyter.
- . 1986. "The Self-Reproduction of Law and its Limits." Pp. 111-127 in *Dilemmas of Law in the Welfare State*, edited by G. Teubner. Berlin and New York: Walter de Gruyter.
- . 1991. *Soziologie des Risikos*. Berlin and New York: Walter de Gruyter.
- . 1997. "Limits of Steering." *Theory, Culture and Society* 14:41-57.
- Mayntz, Renate. 1987. "Politische Steuerung und gesellschaftliche Steuerungsprobleme - Anmerkungen zu einem theoretischen Paradigma." *Jahrbuch zu Staats- und Verwaltungswissenschaft* 1:89-110.
- Moran, Michael. 2002. "Review Article: Understanding the Regulatory State." *British Journal of Political Science* 32:391-413.
- Murphy, Tim. 2006. "From Subject to System: Some Unsystematic Systems-Theoretical Thoughts on Race Equality and Human Rights." Pp. 55-74 in *Luhmann on Law and Politics: Critical Appraisals and Applications*, edited by M. King and C. Thornhill. Portland, OR: Hart Publishing.
- Offe, Claus. 1972. *Strukturprobleme des kapitalistischen Staates*. Frankfurt am Main: Suhrkamp.
- RDS. 2002a. "The Social Networks of Asylum Seekers and the Dissemination of Information about Countries of Asylum." Home Office (Research, Development and Statistics), London.

- . 2002b. "Understanding the decision-making of asylum seekers." Home Office (Research, Development and Statistics), London.
- . 2003a. "An Assessment of the Impact of Asylum Policies in Europe 1990-2000." Home Office (Research, Development and Statistics), London.
- . 2003b. "Sizing the Illegally Resident Population in the UK." Home Office (Research, Development and Statistics), London.
- . 2005. "A survey of the illegally resident population in detention in the UK." Home Office (Research, Development and Statistics), London.
- . 2006. "Employers' Use of Labour Migration." Home Office (Research, Development and Statistics), London.
- . 2007. "Trafficking for the Purpose of Labour Exploitation: A Literature Review." Home Office (Research, Development and Statistics), London.
- Scott, Colin. 2002. "The Governance of the European Union: The Potential for Multi-Level Control." *European Law Journal* 8:59-79.
- Stewart, Richard B. 1988. "Regulation and the Crisis of Legalisation in the United States." Pp. 97-13 in *Law as an Instrument of Economic Policy: Comparative and Critical Approaches*, edited by T. Daintith. Berlin: de Gruyter.
- Teubner, Gunter. 1984. "Autopoiesis in Law and Society: A Rejoinder to Blankenburg." *Law and Society Review* 18:291-301.
- . 1986. "After Legal Instrumentalism? Strategic Models of Post-Regulatory Law." Pp. 299-325 in *Dilemmas of Law in the Welfare State*, edited by G. Teubner. Berlin and New York: Walter de Gruyter.
- . 1986. "The Transformation of Law in the Welfare State." Pp. 3-10 in *Dilemmas of Law in the Welfare State*, edited by G. Teubner. Berlin and New York: Walter de Gruyter.
- Willke, Helmut. 1984. *Entzauberung des Staates: Ueberlegungen zu einer sozietaalen Steuerungstheorie*. Koenigstein: Athenaenum.
- . 1985. "Three Types of Legal Structure: The Conditional, the Purposive and the Relational Program." Pp. 280-298 in *Dilemmas of Law in the Welfare State*, edited by G. Teubner. Berlin: Walter de Gruyter.

Word Count: 7,258